

By: West

S.B. No. 158

A BILL TO BE ENTITLED

AN ACT

relating to a body worn camera program for certain law enforcement agencies in this state.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 411, Government Code, is amended by adding Subchapter P to read as follows:

SUBCHAPTER P. BODY WORN CAMERA PROGRAM

Sec. 411.441. DEFINITION. In this subchapter, "body worn camera" means a recording device that is:

(1) capable of recording, or transmitting to be recorded remotely, video or audio; and

(2) worn on the person of a peace officer, which includes being attached to the officer's clothing or worn as glasses.

Sec. 411.442. GRANTS FOR BODY WORN CAMERAS. A law enforcement agency in this state shall apply to the department for a grant to equip officers with body worn cameras if the agency employs officers who:

(1) are engaged in traffic or highway patrol or otherwise regularly stop or detain motor vehicles; or

(2) respond to calls for assistance from the public.

Sec. 411.443. BODY WORN CAMERA POLICY. (a) A law enforcement agency that receives a grant from the department to provide body worn cameras to its officers or that otherwise

1 operates a body worn camera program shall adopt a policy for the use
2 of body worn cameras.

3 (b) A policy described by Subsection (a) must include:

4 (1) guidelines for when an officer should activate a
5 camera or discontinue a recording currently in progress,
6 considering the need for privacy in certain situations; and

7 (2) provisions relating to data retention, storage of
8 video and audio, creation of backup copies of the video and audio,
9 and maintenance of data security.

10 (c) A policy adopted under this section must be consistent
11 with the Federal Rules of Evidence and Texas Rules of Evidence.

12 Sec. 411.444. TRAINING. (a) Before a law enforcement
13 agency may operate a body worn camera program, the agency must
14 provide training to:

15 (1) officers who will wear the body worn cameras; and

16 (2) any other personnel who will come into contact
17 with video and audio data obtained from the use of body worn
18 cameras.

19 (b) The department, in consultation with the Texas
20 Commission on Law Enforcement, the Bill Blackwood Law Enforcement
21 Management Institute of Texas, the W. W. Caruth, Jr., Police
22 Institute at Dallas, and the Texas Police Chiefs Association, shall
23 develop the curriculum for a training program under this section.

24 Sec. 411.445. RECORDING INTERACTIONS WITH THE PUBLIC. (a)
25 An officer equipped with a body worn camera shall activate the
26 camera when responding to calls for assistance and when performing
27 other law enforcement activities, including traffic stops,

1 pursuits, arrests, searches, or interrogations, unless activation
2 of the camera would be unsafe, unrealistic, or impracticable.

3 (b) An officer equipped with a body worn camera may choose
4 not to activate a camera or may choose to discontinue a recording
5 currently in progress for any nonconfrontational encounter with a
6 person, including an interview of a witness or victim.

7 Sec. 411.446. PROHIBITED ACTS. (a) An officer on duty may
8 not use a body worn camera that is not issued and maintained by the
9 law enforcement agency that employs the officer.

10 (b) A person may not tamper with, delete, or make an
11 unauthorized copy of data obtained through the use of a body worn
12 camera under this subchapter.

13 (c) A person may not release a recording created with a body
14 worn camera under this subchapter unless the person first obtains
15 the permission of the applicable law enforcement agency.

16 Sec. 411.447. RECORDINGS AS EVIDENCE. A recording created
17 with a body worn camera and documenting an incident that involves
18 the use of deadly force or that is otherwise the subject of an
19 investigation may not be deleted or destroyed or released to the
20 public before the completion of the investigation into the
21 incident.

22 Sec. 411.448. RIGHTS OF OFFICERS. An officer is entitled to
23 access any recording of an incident involving the officer before
24 making a statement about the incident.

25 SECTION 2. (a) The Department of Public Safety, in
26 consultation with the Texas Commission on Law Enforcement, the Bill
27 Blackwood Law Enforcement Management Institute of Texas, the W. W.

1 Caruth, Jr., Police Institute at Dallas, and the Texas Police
2 Chiefs Association, shall develop the curriculum for the training
3 program required under Section 411.444, Government Code, as added
4 by this Act, not later than January 1, 2016.

5 (b) A law enforcement agency that is operating a body worn
6 camera program on the effective date of this Act shall develop and
7 implement the policy required under Section 411.443, Government
8 Code, as added by this Act, and implement the training program
9 required under Section 411.444, Government Code, as added by this
10 Act, not later than September 1, 2016.

11 SECTION 3. This Act takes effect September 1, 2015.